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Date: October 20, 2003

Docket No.: 2428-0125P

### MS PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/220,806 filed on December 28,  
1998, the entire contents of which are hereby incorporated by  
reference,  
by

LAMBERT, Bart; JANSENS, Stefan; VAN AUDENHOVE, Katrien, and  
PEFEROEN, Marnix

for

NEW BACILLUS THURINGIENSIS STRAINS AND THEIR INSECTICIDAL  
PROTEINS

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).



16235 U.S. PTO  
10/687879



2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	6-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	3-3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$770.00	\$0.00

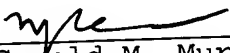
3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are one (1) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/220,806 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to BAYER BIOSCIENCE N.V., Jozef Plateaustraat 22, B-9000 Gent, Belgium.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.

- 9b. ☒ Priority of International Appln. PCT/EP93/01820 filed on July 12, 1993 under the Patent Cooperation Treaty and Application Nos. 92 402358.8 and 93 400949.9 filed in Europe on August 27, 1992 and April 9, 1993 under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.
10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
  
or  
Customer No. 02292
12. ☐ An extension of time for       ( )       month(s) until        has been submitted in parent Application No. 09/220,806 in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:
- \_\_\_\_\_
- \_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
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MaryAnne Armstrong, Ph.D., #40,069

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GMM/MAA:bmp  
2428-0125P